

**REMARKS**

Claims 26-30, 34 and 35 stand provisionally rejected for statutory double patenting over claims 1, 6, 7 and 13 of U.S. Application No. 10/538,349, in which the Examiner issued a notice of allowance on August 15, 2007. Applicants thank the Examiner for the notice of allowance in that application. Applicants have canceled claims 26-30 and 35. Claim 13 does not exist in the cited application, and claim 34 of this application is directed to a bulk nitride monocrystal while claims 1, 6 and 7 of the cited application are each directed to a mineralizer. Thus, claim 34 is not identical in scope to claims 1, 6 and 7 of the cited application. Since claims 26-30 and 35 were canceled, this statutory double patenting rejection should be withdrawn.

Claims 1, 2, 4-7 and 34 stand provisionally rejected for statutory double patenting over claims 1-13 of copending U.S. Application No. 10/537,804.

MPEP 804(I)(B)(2) states:

If a 'provisional' statutory double patenting rejection is the only rejection remaining in one of the applications (but not both), the examiner should withdraw the rejection in that application and permit that application to issue as a patent, thereby converting the "provisional" double patenting rejection in the other application into a double patenting rejection when the application issues as a patent.

Thus, when the provisional statutory double patenting rejection is the only rejection remaining in the earlier filed application, the Examiner should allow that application to issue as a patent. Since this application is the earlier filed application with respect to the cited application, applicants respectfully request the Examiner to withdraw this provisional rejection and to allow this application to issue as a patent in accordance with MPEP 804(I)(B)(2).

In view of the above, applicants respectfully request the Examiner to withdraw the provisional rejections and allow this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and

authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no.

204552034000. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: September 28, 2007

Respectfully submitted,

By S. Laura Chung  
S. Laura Chung  
Registration No.: 59,875  
MORRISON & FOERSTER LLP  
1650 Tysons Blvd, Suite 300  
McLean, Virginia 22102  
Telephone: (703) 760-7312  
Facsimile: (703) 760-7777